

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT P. "SKIP" CUMMINS,

**Plaintiff,**

VS.

SUNTRUST CAPITAL MARKETS,  
INC., AMIT HAZAN, and JONATHAN  
BLOCK,

Defendants.

Case No. 07 CV 4633 (JGK)

**JURY DEMAND**

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants SunTrust Capital Markets, Inc., Amit Hazan, and Jonathan Block (hereinafter “SunTrust”) respectfully move this Court for Summary Judgment on all claims of Plaintiff Robert P. Cummins (“Cummins”), and ask that this Court dismiss Cummins’ Complaint, with prejudice, in its entirety.

As set forth more fully in the Affidavits attached to this Motion, SunTrust's Memorandum of Law in Support of the Motion for Summary Judgment (the "Memorandum") and Statement of Material Facts, SunTrust demonstrates that the allegedly defamatory statements at issue in this case: (1) were largely not "of and concerning" Cummins; (2) were true; (3) were protected statements of opinion; (4) were non-defamatory; (5) were not made with any degree of fault by SunTrust; and (6) caused no damage to Cummins. Accordingly, Cummins cannot raise genuine issues of material fact concerning his claims, and thus SunTrust is entitled to judgment as a matter of law. For these reasons, and for those set forth in the accompanying Affidavits, Memorandum,

and Statement of Material Facts, SunTrust respectfully requests that this Court grant SunTrust's Motion for Summary Judgment.

Respectfully submitted this 10th day of September, 2008.

/s/ Judson Graves

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day an unredacted copy of DEFENDANTS' **MOTION FOR SUMMARY JUDGMENT, BRIEF AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, AND DEFENDANTS' STATEMENT OF MATERIAL FACTS** have been served upon the following counsel of record via e-mail and via UPS overnight delivery addressed as follows:

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This 10th day of September, 2008.

/s/ Judson Graves

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